

HOUSE BILL REPORT

HB 1279

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to public access to child in need of services and at-risk youth hearings.

Brief Description: Revising provisions relating to public access to child in need of services and at-risk youth hearings.

Sponsors: Representatives Kagi, Hinkle, Dickerson, McDonald, Clibborn, P. Sullivan, Pettigrew, Roach, Orcutt, Morrell, Kenney, Wallace and Chase.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 1/11/06, 1/17/06 [DPS].

Brief Summary of Substitute Bill

- Requires child in need of services hearing to be open to the public unless the judge finds that closing the hearing is in the best interests of the child.
- Requires an at-risk youth hearing to be open to the public.
- Requires the court to exclude the public if a parent requests the hearing to be closed.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse, Lovick and Roberts.

Staff: Sonja Hallum (786-7092).

Background:

There are several different types of hearings that pertain to the welfare of children. Some of the hearings that pertain to children include child in need of services (CHINS), at-risk youth (ARY), dependency, and termination hearings.

Child in need of services proceedings may be initiated by a parent or child to request the court to approve or continue an out-of-home placement. An ARY proceeding may be initiated by a

parent who seeks assistance from the court in maintaining parental control over his or her child. Dependency and termination proceedings are generally initiated by the state in cases where the state is alleging the parent is not providing sufficiently appropriate care for his or her child and the state is seeking to intervene in the relationship.

Child in need of services, ARY, dependency and termination hearings have traditionally been closed to the public largely due to the sensitive nature of matters that are often discussed about the children and families involved in the cases. However, states have been increasingly moving towards opening these hearings to the public. In 1993, the Washington legislature passed ESB 5379 which required that the public not be excluded from any dependency or termination hearings unless the judge finds that excluding the public is in the best interests of the child.

Child in need of services and ARY hearings remain closed to the public.

Summary of Substitute Bill:

Child in need of services and ARY hearings are required to be open to the public unless the judge finds that excluding the public is in the best interests of the child. At-risk youth hearings are required to be open to the public. A parent may request the hearing to be closed and the judge shall exclude the public.

Substitute Bill Compared to Original Bill:

The substitute adds the requirement that a hearing be closed to the public if requested by the parent.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support on original bill) In 2003, we opened dependency courts to the public. This has proven to be beneficial by unveiling the secrecy that surrounds these hearings. At-risk youth and Child in Need of Services hearings remain closed. Unfortunately, there have been concerns about opening At-risk youth hearings and there will be an amendment that was offered last year in the Senate.

Testimony Against: None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.